

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE DELTA DENTAL  
ANTITRUST LITIGATION

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) No. 1:19-cv-06734  
)  
) MDL No. 2931  
)  
) Hon. Elaine E. Bucklo

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE  
REPLY IN SUPPORT OF MOTION TO DISMISS UNDER SEAL**

Pursuant to Local Rule 26.2, Defendants respectfully request leave to file their Reply In Support of Defendants' Motion To Dismiss Plaintiffs' Consolidated Complaint ("Reply") under seal. As explained below, there is good cause to seal the Reply because it discusses and quotes from an exhibit to Defendants' Motion to Dismiss that this Court previously ordered to be sealed.

In accordance with Local Rule 26.2(c), Defendants have provisionally filed their Reply under seal while this Motion is pending, along with a publicly-filed version of the Reply with limited redactions. In support of their request, Defendants state as follows:

1. On January 27, 2020, Defendants requested leave to file under seal a document titled "Delta Dental Plans Association Membership Standards and Guidelines" as Exhibit A to Defendants' Memorandum in Support of Motion to Dismiss Plaintiffs' Consolidated Complaint ("Motion to Dismiss"). Dkt. 246. The Court granted Defendants' motion to seal Exhibit A on January 29, 2020. Dkt. 247.

2. Plaintiffs' Memorandum in Opposition to Motion to Dismiss ("Opposition"), filed May 14, 2020, discusses and quotes from Exhibit A to Defendants' Motion to Dismiss. Accordingly, Plaintiffs filed a redacted version of their Opposition and requested leave to file under

seal an unredacted version. Dkt. 273-276. The Court granted Plaintiffs' motion to file under seal on May 18, 2020. Dkt. 277.

3. In responding to Plaintiffs' arguments, Defendants' Reply discusses and quotes from the same portions of Exhibit A that were redacted in Plaintiffs' publicly-filed Opposition. As set forth in more detail in Defendants' original motion to seal Exhibit A, the information contained therein is competitively sensitive and would disadvantage Defendants if made public.

4. Accordingly, Defendants move for leave to seal the unredacted version of the Reply. *See Baxter Int'l, Inc. v. Abbot Labs.*, 297 F.3d 544, 545 (7th Cir. 2002); *SmithKline Beecham Corp. v. Pentech Pharmaceuticals, Inc.*, 261 F. Supp. 2d 1002, 1008 (N.D. Ill. 2003).

5. On July 9, 2020, counsel for Defendants conferred with counsel for Plaintiffs, and counsel for Plaintiffs stated that they have no objection to Defendants' Motion.

WHEREFORE, Defendants respectfully request that the Court permit Defendants to file their Reply In Support of Defendants' Motion To Dismiss Plaintiffs' Consolidated Complaint under seal.

Dated: July 13, 2020

Respectfully submitted,

/s/ Kathy L. Osborn

Kathy L. Osborn  
Ryan M. Hurley  
Anna Marie Behrmann  
FAEGRE DRINKER BIDDLE & REATH LLP  
300 N. Meridian St., Suite 2500  
Indianapolis, IN 46204  
(317) 237-8261  
kathy.osborn@faegredrinker.com  
ryan.hurley@faegredrinker.com  
anna.behrmann@faegredrinker.com

/s/ Britt M. Miller

Britt M. Miller  
Daniel K. Storino  
Jed W. Glickstein  
MAYER BROWN LLP  
71 South Wacker Drive  
Chicago, IL 60606  
(312) 782-0600  
bmiller@mayerbrown.com  
dstorino@mayerbrown.com  
jglickstein@mayerbrown.com

Colby Anne Kingsbury  
FAEGRE DRINKER BIDDLE & REATH LLP  
311 S. Wacker Dr., #4400  
Chicago, IL 60606  
(312) 212-6573  
colby.kingsbury@faegredrinker.com

Mark W. Ryan  
MAYER BROWN LLP  
1999 K Street NW  
Washington, DC 20006  
(202) 263-3000  
mryan@mayerbrown.com

Jeffrey S. Roberts  
Joshua P. Mahoney  
FAEGRE DRINKER BIDDLE & REATH LLP  
1144 15th Street, Suite 3400  
Denver, CO 80203  
(303) 607-3500  
jeff.roberts@faegredrinker.com  
joshua.mahoney@faegredrinker.com

*Counsel for Defendants Delta Dental Plans Association, DeltaUSA, Delta Dental of Connecticut Inc., Delta Dental Plan of Idaho, Inc. d/b/a Delta Dental of Idaho, Dental Service of Massachusetts, Inc. d/b/a Delta Dental of Massachusetts, Delta Dental of Missouri, Delta Dental of New Jersey, Inc., Oregon Dental Service d/b/a Delta Dental of Oregon, Delta Dental of Washington, and Delta Dental Plan of Wyoming d/b/a Delta Dental of Wyoming*

*Counsel for Defendants Delta Plan of Arkansas, Inc., Delta Dental of Indiana, Inc., Delta Dental of Kentucky, Inc., Delta Dental Plan of Michigan, Inc., Delta Dental Plan of New Mexico, Inc., Delta Dental of North Carolina, Delta Dental Plan of Ohio, Inc., and Delta Dental of Tennessee*

/s/ Howard Ullman

Stephen V. Bomse  
Russell P. Cohen  
Howard Ullman  
Nicole Gelsomini  
ORRICK HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105  
415-773-5700  
sbomse@orrick.com  
rcohen@orrick.com  
hullman@orrick.com

/s/ Benjamin W. Hulse

Jerry W. Blackwell  
Benjamin W. Hulse  
Gerardo Alcazar  
BLACKWELL BURKE P.A.  
431 South Seventh Street  
Suite 2500  
Minneapolis, MN 55415  
612-343-3200

blackwell@blackwellburke.com  
bhulse@blackwellburke.com  
galcazar@blackwellburke.com

Lori Swanson  
Mike Hatch  
SWANSON HATCH, P.A.  
431 South 7th Street  
Suite 2545  
Minneapolis, MN 55415  
612-315-3037  
lswanson@swansonhatch.com  
mhatch@swansonhatch.com

*Counsel for Defendants Delta Dental of  
Minnesota and Delta Dental of Nebraska*

/s/ David E. Dahlquist  
David E. Dahlquist  
WINSTON & STRAWN LLP  
35 W. Wacker Drive  
Chicago, IL 60601-9703  
312-558-5600  
ddahlquist@winston.com

*Counsel for Defendants Arizona Dental Insurance  
Service, Inc. d/b/a Delta Dental of Arizona,  
Hawaii Dental Service, Delta Dental of Iowa,  
Delta Dental of Kansas Inc., Maine Dental  
Service Corporation d/b/a Delta Dental Plan of  
Maine, Delta Dental Plan of New Hampshire,  
Inc., Delta Dental Plan of Oklahoma, Delta  
Dental of Rhode Island, Delta Dental of South  
Dakota, and Delta Dental Plan of Vermont, Inc.*

/s/ Allison W. Reimann  
Allison W. Reimann  
GODFREY & KAHN, S.C.  
One East Main Street  
Suite 500  
Madison, WI 53703  
608-257-3911  
areimann@gklaw.com

*Counsel for Defendant Delta Dental of  
Wisconsin, Inc.*

Emily Luken  
ORRICK HERRINGTON & SUTCLIFFE LLP  
Columbia Center  
1152 15th Street, N.W.  
Washington, D.C. 20005  
202-339-8400  
eluken@orrick.com

Brian Joseph Murray  
Timothy D. Elliot  
RATHJE WOODWARD LLC  
300 E. Roosevelt Road  
Suite 300  
630-668-8500  
Wheaton, IL 60187  
bmurray@rathjewoodward.com  
telliott@rathjewoodward.com

*Counsel for Defendants Delta Dental  
Insurance Company, Delta Dental of  
California, Delta Dental of Delaware, Delta  
Dental of the District of Columbia, Delta  
Dental of New York, Delta Dental of  
Pennsylvania, Delta Dental of Puerto Rico,  
and Delta Dental of West Virginia*

/s/ Scott D. Stein  
Scott D. Stein  
Colleen M. Kenney  
SIDLEY AUSTIN LLP  
One South Dearborn Street  
Chicago, IL 60603  
(312) 853-7000  
sstein@sidley.com  
ckenney@sidley.com

*Counsel for Defendants Colorado Dental  
Service, Inc. d/b/a Delta Dental of  
Colorado, Delta Dental of Illinois, and  
Delta Dental of Virginia*

**CERTIFICATE OF SERVICE**

I, Britt M. Miller, an attorney, hereby certify that on July 13, 2020, I caused a true and correct copy of the foregoing **DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' CONSOLIDATED COMPLAINT** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the court's CM/ECF System.

/s/ Britt M. Miller

Britt M. Miller  
MAYER BROWN LLP  
71 South Wacker Drive  
Chicago, IL 60606  
(312) 782-0600  
bmiller@mayerbrown.com